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and Debra King*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

T1 PAYMENTS LLC, a Nevada limited liability
company,

Plaintiff,

vs.

NEW U LIFE CORPORATION, a California
corporation,

Defendant.

NEW U LIFE CORPORATION, a California
corporation,

Counterclaimant,

vs.

T1 PAYMENTS LLC, et al.,

Counterclaim-Defendants.

CASE NO. 2:19-cv-01816-APG-DJA

**JOINT STIPULATION TO EXTEND
DEADLINES FOR TWO
DEPOSITIONS DUE TO ILLNESS
AND RELATED REASONS**

(SIXTH REQUEST)

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Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rules IA 6-1, L.R. 26-3, plaintiff and counterclaim-defendant, T1 Payments LLC; counterclaim-defendants T1 Payments Limited, TGlobal Services Limited, Donald Kasdon, Amber Fairchild, and Debra King (the “T1 Parties”); and defendant and counterclaimant New U Life Corp. (collectively, the “Parties”), jointly request that the Court permit the parties to take the deposition of a New U Life representative past the November 4, 2021, discovery deadline because the witnesses is recovering from an illness outside the United States. The T1 Parties also wish to take the deposition of a second New U Life representative after the November 4, 2021 discovery deadline due to T1 Parties’ preference to depose that witness after the witness who is ill. Good cause exists to extend these deadlines. Discovery is stayed as to counterclaim-defendant Payvision, B.V., and thus Payvision is not included in this joint stipulation.

I. PROCEDURAL BACKGROUND

On October 19, 2021, the Court granted the Parties’ joint stipulation to vacate and extend deadlines. (ECF No. 166.) That stipulation:

1. Maintained November 4, 2021, as the written party discovery deadline, except as to written discovery to or from Payvision which is currently stayed;
2. Vacated the December 6, 2021 dispositive motion deadline and the January 5, 2022 pretrial report deadline;
3. Stipulated that 30 days after the Court enters an order on Payvision’s motion to dismiss, all remaining parties will jointly propose new deadlines for written discovery directed to Payvision and depositions of Payvision-affiliated witnesses, dispositive motions, and pretrial proceedings;
4. Permitted depositions of the parties’ experts and of Mr. Lefebvre to be taken after the November 4, 2021, close of written discovery deadline, and before the new deadline for dispositive motions to be set by the Court after the Court rules of Payvision’s motion to dismiss;
5. Permitted depositions of Mr. Emig and Ms. Patten to be taken after November 4, 2021, if necessary to accommodate the schedules of counsel or the witnesses; and

6. Permitted the Rule 30(b)(6) deposition of New U Life noticed by the T1 Parties to be continued after November 4, 2021, by agreement of the parties or by further order of the Court if the parties cannot reach an agreement.
(ECF No. 166 at 3–4.)

II. THE PARTIES HAVE COMPLETED THE FOLLOWING DISCOVERY

The Parties have exchanged initial and rebuttal expert disclosures and engaged extensively in written discovery. New U Life has taken the depositions of three counterclaim-defendants, of the Rule 30(b)(6) representative of the three corporate T1 entity counterclaim-defendants, and of witness Lisa Kaye. T1 Payments has taken the deposition of witness Ken Burgess, and had noticed and scheduled to take the depositions of Alexy Goldstein, Matt Hutka, and New U Life’s Rule 30(b)(6) representative before the close of discovery on November 4, 2021.

III. DISCOVERY TO BE COMPLETED

T1 Payments had noticed and scheduled to take the deposition of Alexy Goldstein, Matt Hutka, and New U Life (pursuant to Rule 30(b)(6)). The Parties also plan to find dates that work for the depositions of the Parties’ experts, Joe Emig, and Bonnie Patten as previously stipulated, and for one additional third-party witness, Bill Hoffman.

IV. GOOD CAUSE EXISTS TO VACATE DEADLINES

On October 26, 2021, counsel for New U Life informed counsel for T1 Payments that Alexy Goldstein was recovering from an illness outside of the United States, and was unable to proceed with the deposition as noticed. T1 Payments represents that it specifically scheduled Mr. Goldstein’s deposition before the depositions of Matt Hutka and New U Life, as it would enable T1 Payments to most effectively organize its questions for Mr. Hutka and New U Life. Having to reschedule Mr. Goldstein’s deposition therefore, in T1’s view, necessitates rescheduling Mr. Hutka’s deposition as he is New U Life’s 30(b)(6) deponent. The Parties have conferred and found dates in December that should work barring any complications associated with Mr. Goldstein’s illness. The parties are also working on obtaining a date for Mr. Hoffman’s deposition that accommodates the schedules of the witness and the parties’ counsel. Good cause therefore exists and no prejudice will result in permitting these depositions to be taken after the November 4, 2021,

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1 written party discovery deadline, and indeed T1 Payments will be prejudiced if it is not allowed to
2 take these depositions after the deadline.

3 Accordingly, and for good cause shown, the Parties respectfully request that the Court permit T1
4 Payments to take the depositions of Mr. Goldstein, Mr. Hutka (who is New U Life's Rule 30(b)(6)
5 witness), and Mr. Hoffman at mutually agreed-upon dates by the Parties after November 4, 2021.

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17 Dated this 2nd day of November, 2021.

18 Respectfully submitted,

19 KAPLAN COTTNER

20
21 /s/ Kory L. Kaplan

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By: /s/ Brianna Dahlberg

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IT IS SO ORDERED:



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: November 4, 2021